

C3  
1

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2010-0114 / 2205 E. 12<sup>th</sup> Street

**P.C. PUBLIC HEARING DATE:** October 12, 2010

**ADDRESS:** 2205 East 12<sup>th</sup> Street

**OWNER:** Dr. Paul Riekert, 512-587-6363

**AGENT:** Big Red Engineering & Consulting (Will Schnier, P.E.), 512-669-5560

**ZONING FROM:** MF-3-NP

**TO:** LO-MU-NP

**SITE AREA:** .1828 acres (7,963 square feet)

**SUMMARY STAFF RECOMMENDATION:** The staff recommendation is to grant the change from MF-3-NP (Multifamily Residence Medium Density – Neighborhood Plan) combining district zoning to LO-MU-CO-NP (Limited Office – Mixed Use – Conditional Overlay – Neighborhood Plan) combining district zoning. The Conditional Overlay would limit vehicle trips to less than 2,000 per day.

**SUMMARY PLANNING COMMISSION RECOMMENDATION:** Pending. This case is scheduled for the Planning Commission meeting of October 12, 2010.

**ISSUES:** The Rosewood Neighborhood Contact Team has provided an email in support of the proposed rezoning and neighborhood plan amendment applications which is attached to the back of the staff report.

**DEPARTMENT COMMENTS:** The .1828-acre site is currently zoned MF-3-NP (Multifamily Residence Medium Density district – Neighborhood Plan) district and is located midblock on the south side of East 12<sup>th</sup> Street, west of its intersection with Chestnut Avenue. The site lies within the Rosewood Neighborhood Plan and is bordered by single family zoning and residences to the north and south, commercial zoning and an office to the east, and multifamily zoning and residences to the west.

The subject property was originally constructed as a church and used for religious assembly purposes for many years. The property was vacant for some time, and was purchased by the current owner in June of this year. It is currently developed with an unoccupied, cement block, single-story structure with a dedication marker dated October 1950. As shown in the correspondence provided by the Applicant, the structure has two crenulated towers. The applicant is requesting LO-MU-NP (Limited Office district – Mixed Use – Neighborhood Plan) in order to remodel the interior of the existing structure into a music and recording studio, which is classified as a communication services use and first permitted in the LO zoning district.

The staff recommendation is to approve the requested zoning change because it allows for reasonable use of the property. The LO-MU zoning district is appropriate for this tract given the zoning and uses along this portion of East 12<sup>th</sup> Street. More intensive commercial zoning exists a block to the east and west, and immediately adjacent to the tract is neighborhood commercial (LR) zoning. Additionally, East 12<sup>th</sup> Street is an arterial street and is appropriate for higher level zoning. The proposed mixed

C3  
2

use component will also allow for residential use of the property which better blends and is consistent with the character of the area.

The building has been identified as a possible historic resource by some neighbors. It is likely the LO-MU-NP zoning will not endanger the possibility of any future such designation, but instead the combination of the proposed use as a music studio and the building's construction will lend itself to preservation. The owner intends to retain the building's shell, maintaining the exterior character and appearance, and build the music studio within the structure.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MF-3-NP	Vacant Church – Religious assembly
<i>North</i>	SF-3-NP	Single family residences
<i>South</i>	SF-3-NP	Alley – Single family residences
<i>East</i>	LR-MU-NP	Office
<i>West</i>	MF-3-NP	Single family residences

**NEIGHBORHOOD PLAN AREA:** Rosewood Neighborhood Planning Area

**TIA:** A traffic impact analysis was not required for this case.

**WATERSHED:** Boggy Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Neighborhoods Council  
 Homeless Neighborhood Organization  
 Home Builders Association of Greater Austin  
 Sentral Plus East Austin Koalition (SPEAK)  
 Rosewood Neighborhood Contact Team  
 Austin Parks Foundation  
 Foster Neighborhood Association  
 Sierra Club, Austin Regional Group  
 PODER People Organized in Defense of Earth & Her Resources  
 League of Bicycling Voters  
 Austin Monorail Project  
 United East Austin Coalition  
 Rosewood Neighborhood Planning Area  
 The Real Estate Council of Austin, Inc.  
 Super Duper Neighborhood Objectors and Appealers Organization  
 Del Valle Community Coalition  
 Austin Street Futbol Collaborative

**SCHOOLS: (AISD)**

- Blackshear Elementary School
- Kealing Middle School
- Eastside Memorial Green Tech High School

**CASE HISTORIES:** There are no recent case histories on or surrounding the subject tract.

**RELATED CASES:** The Rosewood Neighborhood Plan rezonings were approved by Council on November 29, 2001 (C14-01-0150). A Neighborhood Plan Amendment to change the FLUM designation on the property from Civic to Mixed Use is also in process (NPA-2010-0008.01).

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
E 12 <sup>th</sup> Street	60'	40'	Minor Arterial	Yes	Yes	Yes

**CITY COUNCIL DATE:**  
November 4, 2010

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

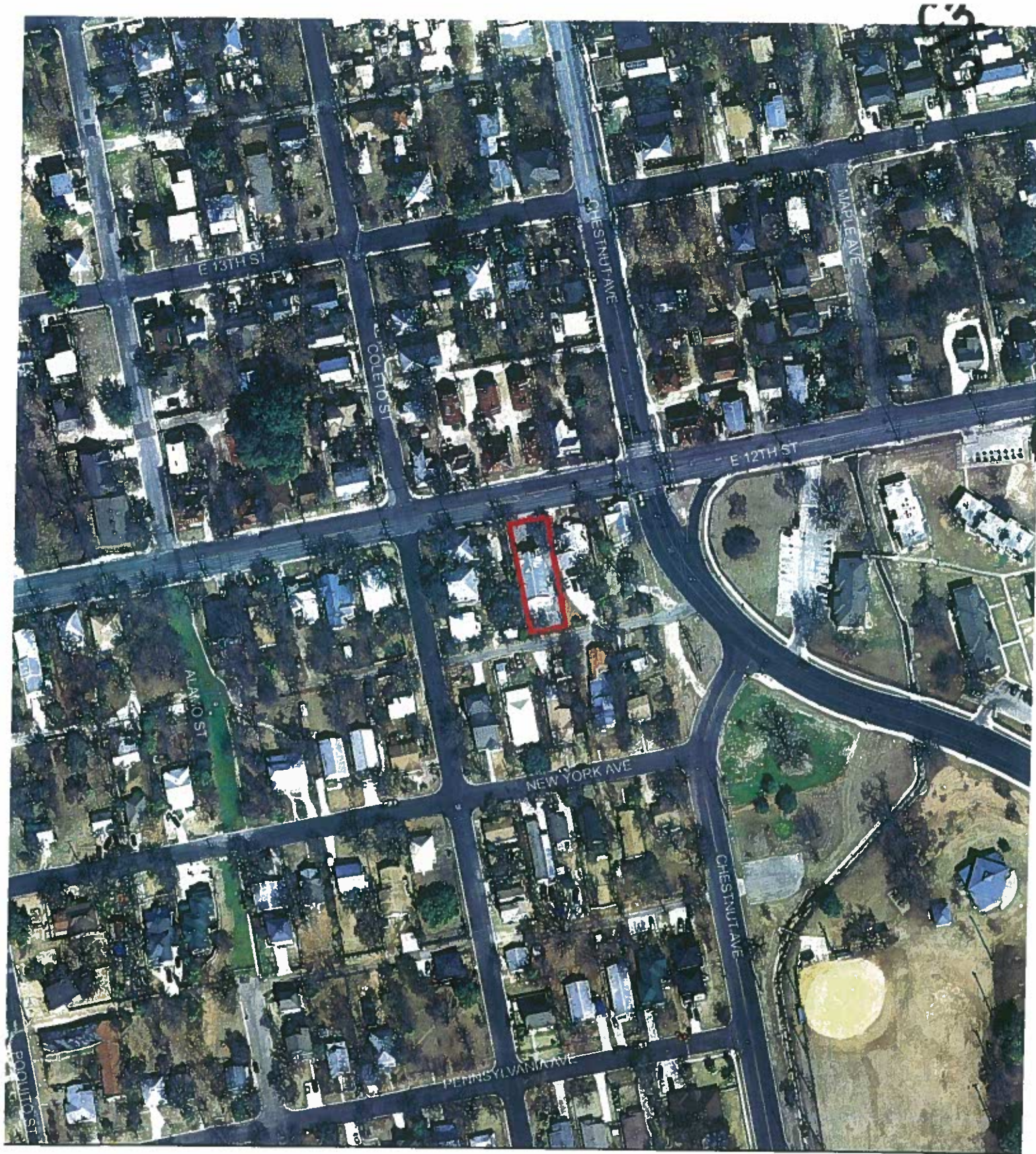
**ORDINANCE NUMBER:**

**ZONING CASE MANAGER:** Joi Harden

**PHONE:** 974-2122 **E-MAIL:** joi.harden@ci.austin.tx.us







C14-2010-0114 - 2205 E. 12th Street  
 From MF-3-CO to LO-MU-CO-NP  
 combining district zoning





## SUMMARY STAFF RECOMMENDATION

The staff recommendation is to grant the change from MF-3-NP (Multifamily Residence Medium Density – Neighborhood Plan) combining district zoning to LO-MU-CO-NP (Limited Office – Mixed Use – Conditional Overlay – Neighborhood Plan) combining district zoning. The Conditional Overlay would limit vehicle trips to less than 2,000 per day.

## BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

*1. The proposed zoning should be consistent with the purpose statement of the district sought.*

LO- Limited Office district is the designation for an office use that serves neighborhood or community needs and that is located on or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulation and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary is scale and appearance with the residential environment.

MU- Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. Allows development of all types of residential uses, including single-family residential, multifamily residential, and townhouses.

The LO-MU zoning district is appropriate for this tract given the zoning and uses along this portion of East 12<sup>th</sup> Street. More intensive commercial zoning exists a block to the east and west and immediately adjacent to the tract is neighborhood commercial (LR) zoning. Additionally, East 12<sup>th</sup> Street is an arterial street and is appropriate for higher level zoning. The proposed mixed use component will also allow for residential use of the property which better blends and is consistent with the character of the area.

*2. The proposed zoning should allow for reasonable use of the site.*

LO-MU allows a fair and reasonable use for the site.

*3. Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner; the request should not result in spot zoning.*

Staff has not granted a special privilege to this property owner as the proposed rezoning of this property is more restrictive than the commercial zoning that exists a block to the east and west, and immediately adjacent to the tract is neighborhood commercial (LR) zoning.

C3  
7

## **EXISTING CONDITIONS**

### **Site Characteristics**

The subject property is currently developed with an unoccupied cement block single story church with a dedication marker dated October 1950. The former church has two crenulated towers.

### **Impervious Cover**

The maximum impervious cover allowed by the LO zoning district would be 70%.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

### **Transportation**

Additional right-of-way may be required at the time of subdivision or site plan application.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility

C3/8

for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

### **Site Plan Review**

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along the north and south property line, the following standards apply:

- No structure may be built within 25 feet of the SF property line.
  - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
  - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
  - No parking or driveways are allowed within 25 feet of the property line.
  - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.



C3  
9

**Zoning Case Summary – 2205 E. 12<sup>th</sup> Street, Austin Texas 78702**  
NPA Case Number: NPA-2010-0008.01                      Zoning Case Number: C14-2010-0114

Current Zoning: MF-3-NP (Multifamily up to 36 dwelling units/acre)  
Current NP FLUM Designation: Civic  
Current Land Use: Formerly Religious Assembly; Vacant- No Regular Services ±3 Yrs

Proposed Zoning: LO-MU-NP (Limited Office)  
Proposed NP FLUM Designation: Mixed Use  
Proposed Land Use: Communication Services – Music Recording Studio

Affected Neighborhood Planning Area: Rosewood

Neighborhood Recommendation: Rosewood Neighborhood Recommends Approval of LO-MU-NP  
City Review Staff Recommendation: Staff Recommends Approval of Both NPA and Zoning Request  
Adjacent Neighbors Recommendation: Adjacent Neighbors Have Provided Written Support of Request

Key Points of Zoning Request:

1. Proposed Project is a Music and Audio Recording Studio
2. Existing Former Church Building Will Be Preserved
3. Support of Affected Neighborhood, Adjacent Neighbors, Staff



Neighborhood Support: Rosewood Neighborhood Recommends Approval of LO-MU-NP

Presented at Rosewood NH Meetings: June 17<sup>th</sup>, July 22<sup>nd</sup>, August 19<sup>th</sup>

Applicant Hosted Outreach Meetings: Wednesday June 23<sup>rd</sup>, 5:00pm  
Saturday June 26<sup>th</sup>, 1:00pm  
Tuesday June 29<sup>th</sup>, 7:30pm  
(All property owners and tenants within 500-feet were invited)

City Hosted Information Meeting: Tuesday August 31, 6:30pm

Written Support of Adjacent Neighbors: Loren Rives – Owns, Lives, Works at 2207 and 2211 E. 12<sup>th</sup> St.  
David and John Schroeder - Own and Live at 1195 Coleto Street

Other Items of Note:

1. Has not been active church w/ regular services for ±3-years
2. Vacant building attracts vagrants, prostitution, and drug use
3. Private investment on 12<sup>th</sup> Street Revitalization Corridor
4. Zoning proposal is from an owner/operator, not a speculator

## Additional Information About the Proposed Music Recording Studio Project

**Why did you choose this building? Why a former church?** I have been looking for the ideal building for several years, and the abandoned former church building has several characteristics that make it an ideal candidate for a music recording studio. Very few buildings have these important features; likely candidates would be former schools, theatres, or churches.

- High ceilings throughout the structure. The building has 12-foot ceilings, which is ideal for recording. Buildings with 8-foot ceilings will not allow for an ideal recording or listening environment, ruling out most if not all of the available existing commercial buildings on 12<sup>th</sup> St.
- No internal load-bearing walls. The sound rooms in top-flight recording studios are built around ideal shapes (no parallel walls) and specific room ratios (height/width/depth) that are known to produce an "even" listening environment across the spectrum of audible frequencies. This building has no internal walls, which allows the rooms to be divided based on these acoustic principles.
- Solid exterior walls. The exterior walls of the building are 8-inches of solid concrete. Buildings with conventional construction (wood siding, for example) would be very difficult to make soundproof.

**Tell us about the proposed building preservation and interior renovation.** Although the remodel of the interior of the structure will be extensive, the outside of the building will remain intact, and overall, this renovation will be very low impact on the neighbors. It is my intent to preserve the former church building in perpetuity. I am not altering the footprint of the building or changing the exterior appearance and character of the structure. Also, because this is a private recording studio, there will not be any commercial signage on either on the building or at the street level.

**How do you plan on containing sound?** The livelihood of a studio depends on being completely and totally soundproof. Sound cannot come in or out of the interior spaces because musicians will not pay for commercial studio time if outside sound makes its way into the microphones inside. There is a Capital Metro bus stop at the corner of E. 12<sup>th</sup> and Pleasant Valley Road. The buses produce both sound and vibration waves far in excess of anything that will be heard from the music recording studio. The sounds and vibrations of those buses will not be allowed to be heard in the studio, and the same insulation measures will prevent sound from inside escaping to the outside.

This will be the quietest building on 12th Street. In fact, the sound of a television at typical volume heard through a single-pane window would be far louder than anything heard outside this studio. Although this building already has extremely thick exterior walls (8 inches of concrete), it will still need thoughtful construction of the floor, walls, ceiling, and doors. Proposed techniques include:

- The pier-and-beam floor will be replaced by an independent concrete slab
- Inside the 8-inch concrete exterior walls, separate interior walls will be constructed; these two walls are never "joined" together, preventing vibrations from being transmitted
- The ceilings are made of 3 layers of 5/8" drywall and hung on "decoupling" clips; these are basically springs that also isolate the vibrations and do not transmit them to the outer structure
- The floor plan is laid out in such a way that studio sound rooms will not open to the outside environment, but rather exits will be located in non-sound rooms

**Meredith, Maureen**

C3  
11

**From:** Jane Rivera [REDACTED]  
**Sent:** Sunday, August 29, 2010 11:57 AM  
**To:** Meredith, Maureen  
**Cc:** joi.hardin@ci.austin.tx.us; 'Paul Wesley Riekert'; 'Jane Haney Rivera'  
**Subject:** 2205 E. 12th Street

Maureen,

This email is to document the Rosewood Neighborhood Contact Team's support for the proposal by Mr. Riekert to convert the old church building to a recording studio. We also support the zoning that would keep the zoning (MU) marked brown on the FLUM, rather than going to red, which could permit higher commercial use. Thank you for your suggestion and for your support of both Mr. Riekert's plans and our plans to maintain the neighborhood.

Jane Rivera, Chair  
Rosewood Neighborhood Contact Team

9/21/2010



C3  
12

Attn:

Rosewood Neighborhood Planning Committee

City of Austin

RE: 12<sup>th</sup> Street Baptist Church

To whom it may concern,

My name is Doug Rives and I own the properties adjacent to the 12<sup>th</sup> Street Baptist Church at 2207 and 2211 E. 12<sup>th</sup> Street. I support the rezoning of the property to LO in hopes that it will facilitate a more viable commercial corridor on E 12<sup>th</sup> Street and in turn reduce the vagrancy, drug dealing and prostitution that we see on a daily basis particularly around vacant properties.

Thank You,



Douglas L. Rives

63  
13

(by email)

Hello Paul,

I live in, and own, a house on E 12th st. (2001 E 12th), across from Sams. I've been reading about your request for rezoning on the Rosewood email group, and even stopped by the church to look around. (I couldn't make any of your open houses.) I know that some neighbors are for, and some against, your proposal. I won't be in town for Thursday's meeting, but wanted to log my support for your rezoning request to enable the recording studio. It seems like a low-impact, yet beneficial addition to the neighborhood. Feel free to make my support public.  
Good Luck!

Jeremy Bailey

C3  
14

To Whom it may concern,

16

Converting the old 12th Street Church to a music recording studio is fine with us. The church had only 8 or nine parking spaces, and led to church-goers parking around the block. A well-insulated, sound-proofed studio will allow the structure to remain and won't affect any nearby properties. The proposed studio is the best use, actually. We live behind the proposed studio and welcome it.

*John Schroeder*

Bob Schroeder

1195 Coleto  
Austin, TX  
78702

320-0511



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:  
[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number:** C14-2010-0114  
**Contact:** Joi Harden, 512-974-2122  
**Public Hearing:** Oct. 12, 2010, Planning Commission  
 Nov. 4, 2010, City Council

11/11  
 Your Name (please print) \_\_\_\_\_  
☐ I am in favor  
☐ I object

1208 Chestnut Av - owner w/ Walter White  
 Your address(es) affected by this application \_\_\_\_\_ also objecting.

Ali Li  
 Signature \_\_\_\_\_ Date 10-3-10

Daytime Telephone: 512 797 0641

Comments: We live right around the corner from the historic site of the 12th Street Baptist Church, slated for rezoning, and are opposed. This is a residential neighborhood and we will not be served by a music studio as there are several in 78702. We just moved from E 6th St because the music district took over and there was too much traffic and noise. The City of Austin Planning & Development Review Department Joi Harden P. O. Box 1088 Austin, TX 78767-8810  
site should remain a spiritual center.

to make the... and an important part of the spiritual, cultural, and musical history

543

# PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2010-0114  
 Contact: Joi Harden, 512-974-2122  
 Public Hearing: Oct. 12, 2010, Planning Commission  
 Nov. 4, 2010, City Council

Walter White

Your Name (please print)

1200 Chestnut Ave.

Your address(es) affected by this application

Walter White

Signature

10-5-10

Date

Daytime Telephone: 797-0641

Comments: I oppose the rezoning. It is contrary to the neighborhood plan and I believe it will lead to an increase in commercial properties similar to what happened on Rainey Street.

If you use this form to comment, it may be returned to:

City of Austin  
 Planning & Development Review Department  
 Joi Harden  
 P. O. Box 1088  
 Austin, TX 78767-8810

☐ I am in favor  
☒ I object